

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN CHRIS AHNER**, on February 16, 1999 at 3:05 P.M., in Room 104 Capitol.

ROLL CALL

Members Present:

Rep. Chris Ahner, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. David Ewer, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Roy Brown (R)
Rep. Edith Clark (R)
Rep. Tom Dell (D)
Rep. Toni Hagener (D)
Rep. Bob Lawson (R)
Rep. Mark Noennig (R)
Rep. Scott J. Orr (R)
Rep. Trudi Schmidt (D)
Rep. Carley Tuss (D)
Rep. Cindy Younkin (R)

Members Excused: Rep. Steven Gallus (D)
Rep. Sam Kitzenberg (R)
Rep. Jeff Mangan (D)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kimberly Walkenhorst, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB589, HB560, HB476, HB447,
HB431, HB619, 2/16/1999
Executive Action: HB363, HB336, HB375, HB441,
HB325, HB351, HB408, HB431,
HB476, HB560, HB619, HB447

HEARING ON HB579

Opening Statement by Sponsor: Rep. Paul Sliter, HD76
{Tape : 1; Side : A; Approx. Time Counter : 1.5}

Proponents' Testimony:

Mayor Bill Boharski, Mayor of Kalispell
{Tape : 1; Side : A; Approx. Time Counter : 3.0}

Evan Barrett, MT Economic Development Association
EXHIBIT(loh38a01)
{Tape : 1; Side : A; Approx. Time Counter : 14.8}

Alec Hansen, Montana League of Cities and Towns
{Tape : 1; Side : A; Approx. Time Counter : 22.7}

Byron Roberts, Montana Building Industry Association
{Tape : 1; Side : A; Approx. Time Counter : 24.5}

Opponents' Testimony: None

Questions from Committee Members and Responses:
{Tape : 1; Side : A; Approx. Time Counter : 25.4}

Closing Statement by Sponsor: Rep. Paul Sliter
{Tape : 1; Side : B; Approx. Time Counter : 9.9}

HEARING ON HB431

Opening Statement by Sponsor: Rep. John Mercer, HD74
EXHIBIT(loh38a02)
{Tape : 1; Side : B; Approx. Time Counter : 12}

Proponents' Testimony:

David Gates, Chief Probation Officer in Bozeman
{Tape : 1; Side : B; Approx. Time Counter : 16.7}

Sandy Oitzinger, Montana Juvenile Officer Association
{Tape : 1; Side : B; Approx. Time Counter : 18.1}

Opponents' Testimony: None

Informational Testimony:

Jane Jelinski, Montana Association of Counties

{Tape : 1; Side : B; Approx. Time Counter : 21.4}

Bill Kennedy, Yellowstone County Commissioner
{Tape : 1; Side : B; Approx. Time Counter : 22.8}

Questions from Committee Members and Responses:
{Tape : 1; Side : B; Approx. Time Counter : 24.3}

Closing Statement by Sponsor: Rep. John Mercer
{Tape : 2; Side : A; Approx. Time Counter : 8.2}

HEARING ON HB619

Opening Statement by Sponsor: Rep. George Golie, HD44
{Tape : 2; Side : A; Approx. Time Counter : 9.1}

Proponents' Testimony:

Jane Jelinski, Montana Association of Counties
{Tape : 2; Side : A; Approx. Time Counter : 12.1}

Opponents' Testimony: None

Questions from Committee Members and Responses:
{Tape : 2; Side : A; Approx. Time Counter : 12.8}

Closing Statement by Sponsor: Rep. George Golie
{Tape : 2; Side : A; Approx. Time Counter : 28.9}

HEARING ON HB560

Opening Statement by Sponsor: Rep. Marian Hanson, HD1
{Tape : 2; Side : A; Approx. Time Counter : 30}

Proponents' Testimony:

Vern Peterson, Fergus County Commissioner
{Tape : 2; Side : B; Approx. Time Counter : 2.3}

Tom Hardt, Private Citizen **EXHIBIT**(loh38a03)
{Tape : 2; Side : B; Approx. Time Counter : 6.9}

Bill Kennedy, Yellowstone County Commissioner
{Tape : 2; Side : B; Approx. Time Counter : 8.1}

Dan Gear, Glacier County

{Tape : 2; Side : B; Approx. Time Counter : 8.8}

Bill Rappold, Chair County Commissioner

{Tape : 2; Side : B; Approx. Time Counter : 10.9}

Glenna Obie, Chairman Jefferson County Commissioner

{Tape : 2; Side : B; Approx. Time Counter : 11.5}

Lorna Karn, Montana Farm Bureau

{Tape : 2; Side : B; Approx. Time Counter : 11.7}

Tory Shulman, Public Land Access Association **EXHIBIT**(loh38a04)

{Tape : 2; Side : B; Approx. Time Counter : 15.6}

Informational Testimony:

John Blacker, Department of Transportation

{Tape : 2; Side : B; Approx. Time Counter : 19.6}

Opponents' Testimony: None

Questions from Committee Members and Responses:

{Tape : 2; Side : B; Approx. Time Counter : 22}

Closing Statement by Sponsor: Rep. Marian Hanson

{Tape : 3; Side : A; Approx. Time Counter : 4}

HEARING ON HB476

Opening Statement by Sponsor: Rep. Royal Johnson, HD10

{Tape : 3; Side : A; Approx. Time Counter : 5.6}

Proponents' Testimony:

Mike Kadas, Mayor City of Missoula

{Tape : 3; Side : A; Approx. Time Counter : 9.8}

Alec Hansen, Montana League of Cities and Towns

{Tape : 3; Side : A; Approx. Time Counter : 13.8}

Rep. David Ewer, HD3

{Tape : 3; Side : A; Approx. Time Counter : 14.3}

Opponents' Testimony: None

Questions from Committee Members and Responses:

{Tape : 3; Side : A; Approx. Time Counter : 16.7}

Closing Statement by Sponsor: Rep. Royal Johnson

{Tape : 3; Side : A; Approx. Time Counter : 17.4}

HEARING ON HB447

Opening Statement by Sponsor: Rep. David Ewer, HD3

{Tape : 3; Side : A; Approx. Time Counter : 18.4}

Proponents' Testimony:

Ellen Engstedt, Lobbyist for Don't Gamble With the Future

{Tape : 3; Side : A; Approx. Time Counter : 22.3}

Inez Howeth, Helena

{Tape : 3; Side : A; Approx. Time Counter : 28}

Dallas Erickson, Three Mile Concerned Citizens

{Tape : 3; Side : A; Approx. Time Counter : 30.1}

Norma Ricks, Self

{Tape : 3; Side : B; Approx. Time Counter : 3.6}

Betty Waddell, Montana Association of Churches

{Tape : 3; Side : B; Approx. Time Counter : 4.8}

Kathy Collins, Self

{Tape : 3; Side : B; Approx. Time Counter : 8.6}

Rep. Chris Ahner, HD51

{Tape : 3; Side : B; Approx. Time Counter : 15.6}

Opponents' Testimony:

Rich Miller, Helena

{Tape : 3; Side : B; Approx. Time Counter : 19.3}

Kati Kintli, Montana Tavern Association

{Tape : 3; Side : B; Approx. Time Counter : 22.5}

Ronda Carpenter, Montana Coin Machine Operator Association

{Tape : 4; Side : A; Approx. Time Counter : 2.9}

Dennis Casey, Gaming Industry Association

{Tape : 4; Side : A; Approx. Time Counter : 5.8}

Jerry Driscoll, Montana Machine Industry Operators

{Tape : 4; Side : A; Approx. Time Counter : 8.2}

Informational Testimony:

Jim Oppedahl, Administration for Gambling Control Division

{Tape : 4; Side : A; Approx. Time Counter : 9.6}

Questions from Committee Members and Responses:

{Tape : 4; Side : A; Approx. Time Counter : 12.6}

Closing Statement By Sponsor:

{Tape : 4; Side : A; Approx. Time Counter : 19}

EXECUTIVE ACTION ON HB363

Motion: REP. HAGENER moved that HB363 DO PASS.

{Tape : 4; Side : A; Approx. Time Counter : 25.2}

Discussion:

{Tape : 4; Side : A; Approx. Time Counter : 25.5}

Motion: REP. HAGENER moved to WITHDRAW MOTION.

{Tape : 4; Side : A; Approx. Time Counter : 26.1}

EXECUTIVE ACTION ON HB336

Motion: REP. HAGENER moved that HB336 DO PASS.

{Tape : 4; Side : A; Approx. Time Counter : 26.8}

Motion: REP. NOENNIG moved that AMENDMENTS PER **EXHIBIT** (loh38a05) DO PASS.

{Tape : 4; Side : A; Approx. Time Counter : 26.9}

Discussion:

{Tape : 4; Side : A; Approx. Time Counter : 27}

Vote: Motion carried 14-0.

{Tape : 4; Side : B; Approx. Time Counter : 5.3}

Motion/Vote: REP. NOENNIG moved that HB336 DO PASS AS AMENDED.
Motion carried 13-1 with Dell voting no.

EXECUTIVE ACTION ON HB363

Motion: REP. NOENNIG moved that HB363 DO PASS.
{Tape : 4; Side : B; Approx. Time Counter : 7}

Motion: REP. NOENNIG moved that AMENDMENTS PER EXHIBIT (loh38a06)
DO PASS.
{Tape : 4; Side : B; Approx. Time Counter : 7.2}

Discussion:
{Tape : 4; Side : B; Approx. Time Counter : 7.4}

Vote: Motion carried 13-1.

Motion: REP. TUSS moved that HB363 DO PASS AS AMENDED.
{Tape : 4; Side : B; Approx. Time Counter : 13.7}

Discussion:
{Tape : 4; Side : B; Approx. Time Counter : 13.9}

Vote: Motion carried 11-4 with Bitney, Bookout-Reinicke, Brown,
and Lawson voting no. Rep. Gallus voted aye by proxy. No written
proxy was given to the secretary.
{Tape : 4; Side : B; Approx. Time Counter : 14.9}

EXECUTIVE ACTION ON HB375

Motion: REP. LAWSON moved that HB375 DO PASS.
{Tape : 4; Side : B; Approx. Time Counter : 16.2}

Motion: REP. LAWSON moved that AMENDMENTS PER
EXHIBIT (loh38a07) DO PASS.
{Tape : 4; Side : B; Approx. Time Counter : 16.8}

Discussion:
{Tape : 4; Side : B; Approx. Time Counter : 16.9}

Vote: Motion carried 12-5 with Ewer, Gallus, Hagener, Mangan, and Schmidt voting no. Reps. Gallus and Mangan voted nay by proxy. No written proxy was given to the secretary.
{Tape : 4; Side : B; Approx. Time Counter : 16.9}

Motion: REP. LAWSON moved that HB375 DO PASS AS AMENDED.
{Tape : 4; Side : B; Approx. Time Counter : 20.3}

Discussion:

{Tape : 4; Side : B; Approx. Time Counter : 20.4}

Substitute Motion/Vote: REP. BROWN made a substitute motion that HB375 BE TABLED. Substitute motion carried 13-1 with Lawson voting no.
{Tape : 4; Side : B; Approx. Time Counter : 22.6}

EXECUTIVE ACTION ON HB441

Motion: REP. LAWSON moved that HB441 DO PASS.
{Tape : 4; Side : B; Approx. Time Counter : 23.1}

Discussion:

{Tape : 4; Side : B; Approx. Time Counter : 23.3}

Motion/Vote: REP. EWER moved that HB441 BE TABLED. Motion carried 12-2 with Ahner and Andersen voting no.
{Tape : 4; Side : B; Approx. Time Counter : 24.3}

EXECUTIVE ACTION ON HB325

Motion: REP. LAWSON moved that HB325 DO PASS.
{Tape : 4; Side : B; Approx. Time Counter : 25.2}

Discussion:

{Tape : 4; Side : B; Approx. Time Counter : 25.5}

Motion: REP. EWER moved that AMENDMENTS PER EXHIBIT (loh38a08) DO PASS.
{Tape : 4; Side : B; Approx. Time Counter : 26.3}

Discussion:

{Tape : 4; Side : B; Approx. Time Counter : 26.5}

Vote: Motion carried 14-0.
{Tape : 4; Side : B; Approx. Time Counter : 26.7}

Motion: REP. LAWSON moved that HB325 DO PASS AS AMENDED.

{Tape : 4; Side : B; Approx. Time Counter : 26.7}

Substitute Motion: REP. BOOKOUT-REINICKE made a substitute motion that CONCEPTUAL AMENDMENTS DO PASS.

{Tape : 5; Side : A; Approx. Time Counter : 0.1}

Discussion:

{Tape : 5; Side : A; Approx. Time Counter : 0.2}

Vote: Motion carried 14-0.

{Tape : 5; Side : A; Approx. Time Counter : 0.6}

Motion: REP. LAWSON moved that HB325 DO PASS AS AMENDED.

{Tape : 5; Side : A; Approx. Time Counter : 1.5}

Discussion:

{Tape : 5; Side : A; Approx. Time Counter : 1.6}

Vote: Motion carried 14-0.

{Tape : 5; Side : A; Approx. Time Counter : 2.2}

EXECUTIVE ACTION ON HB351

Motion: REP. LAWSON moved that HB351 DO PASS.

*{Tape : 5; Side : A; Approx. Time Counter : 2.8}*2

Discussion:

{Tape : 5; Side : A; Approx. Time Counter : 2.9}

Motion/Vote: REP. NOENNIG moved that HB351 BE TABLED. Motion carried 14-0.

{Tape : 5; Side : A; Approx. Time Counter : 4.9}

EXECUTIVE ACTION ON HB408

Motion: REP. YOUNKIN moved that HB408 DO PASS.

{Tape : 5; Side : A; Approx. Time Counter : 7.5}

Motion: REP. YOUNKIN moved that AMENDMENTS PER **EXHIBIT**(1oh38a09) DO PASS.

{Tape : 5; Side : A; Approx. Time Counter : 7.8}

Discussion:

{Tape : 5; Side : A; Approx. Time Counter : 7.9}

Vote: Motion carried 14-0.

{Tape : 5; Side : A; Approx. Time Counter : 8.2}

Motion: REP. YOUNKIN moved that HB408 DO PASS AS AMENDED.

{Tape : 5; Side : A; Approx. Time Counter : 8.8}

Discussion:

{Tape : 5; Side : A; Approx. Time Counter : 9}

Vote: Motion carried 12-2 with Brown and Lawson voting no.

{Tape : 5; Side : A; Approx. Time Counter : 24.5}

EXECUTIVE ACTION ON HB431

Motion: REP. LAWSON moved that HB431 AND AMENDMENTS DO PASS.

{Tape : 5; Side : A; Approx. Time Counter : 25}

Discussion:

{Tape : 5; Side : A; Approx. Time Counter : 25.3}

Vote: Motion for amendments carried 14-0.

{Tape : 5; Side : A; Approx. Time Counter : 25.5}

Motion/Vote: REP. LAWSON moved that HB431 DO PASS AS AMENDED.

Motion carried 14-0.

{Tape : 5; Side : A; Approx. Time Counter : 25.7}

EXECUTIVE ACTION ON HB476

Motion: REP. LAWSON moved that HB476 DO PASS.

{Tape : 5; Side : A; Approx. Time Counter : 26.5}

Discussion:

{Tape : 5; Side : A; Approx. Time Counter : 27}

Vote: Motion carried 14-0.

{Tape : 5; Side : A; Approx. Time Counter : 27.2}

EXECUTIVE ACTION ON HB560

Motion/Vote: REP. LAWSON moved that HB560 DO PASS. Tuss then moved to postpone executive action on HB560. Tuss then withdrew her motion.

{Tape : 5; Side : B; Approx. Time Counter : 5.5}

EXECUTIVE ACTION ON HB619

Motion: REP. BITNEY moved that HB619 DO PASS.
{Tape : 5; Side : B; Approx. Time Counter : 5.9}

Discussion:
{Tape : 5; Side : B; Approx. Time Counter : 6.1}

Motion/Vote: REP. TUSS moved that HB619 BE TABLED. Motion
carried 13-1 with Younkin voting no.
{Tape : 5; Side : B; Approx. Time Counter : 7.7}

EXECUTIVE ACTION ON HB579

Discussion regarding amendments.
{Tape : 5; Side : B; Approx. Time Counter : 9}

Motion: REP. NOENNIG moved that HB579 DO PASS.
{Tape : 5; Side : B; Approx. Time Counter : 15.3}

Motion: REP. NOENNIG moved that CONCEPTUAL AMENDMENTS DO PASS.
{Tape : 5; Side : B; Approx. Time Counter : 15.5}

Discussion:
{Tape : 5; Side : B; Approx. Time Counter : 16}

Motion withdrawn by Rep. Noennig.
{Tape : 5; Side : B; Approx. Time Counter : 17.6}

EXECUTIVE ACTION ON HB447

Motion/Vote: REP. LAWSON moved that HB447 BE TABLED. Motion
carried 10-7 with Ahner, Andersen, Bitney, Bookout-Reinicke,
Brown, Dell, and Ewer voting no.
{Tape : 5; Side : B; Approx. Time Counter : 18.1}

ADJOURNMENT

Adjournment: 8:00 P.M.

REP. CHRIS AHNER, Chairman

KIMBERLY WALKENHORST, Secretary

CA/KW

EXHIBIT (loh38aad)